Appl. No. 10/761,393
Amdt. dated September 1, 2005
Reply to Office action of June 21, 2005

In the Drawings:

Please amend FIGs. 2 and 3 as indicated on the attached drawing markup sheets. The amendments are to add reference numbers 101, 201 to FIG. 2, and reference number 301 to FIG. 3. Replacement sheets are also provided.

Drawing markup sheet

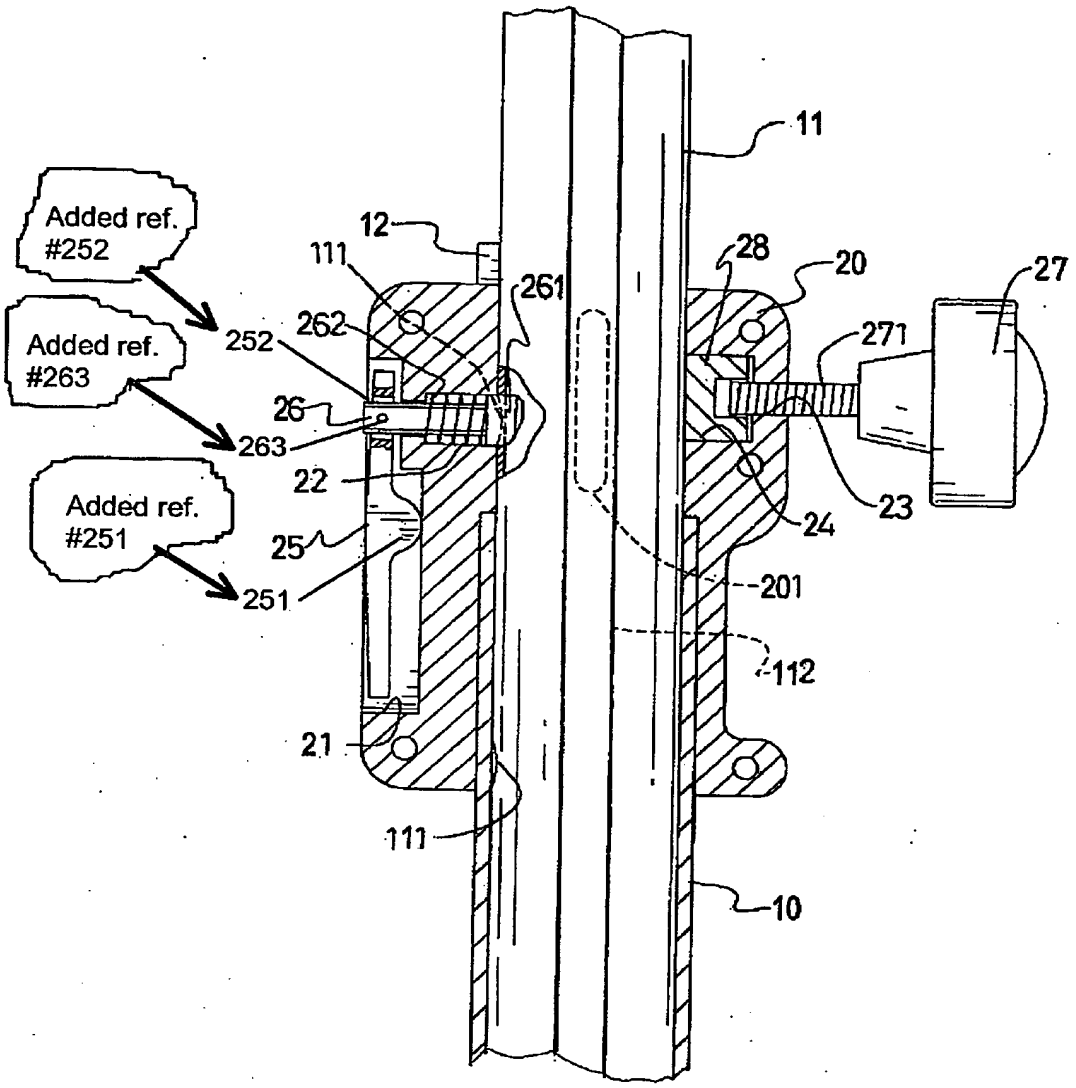

FIG. 2

Drawing markup sheet

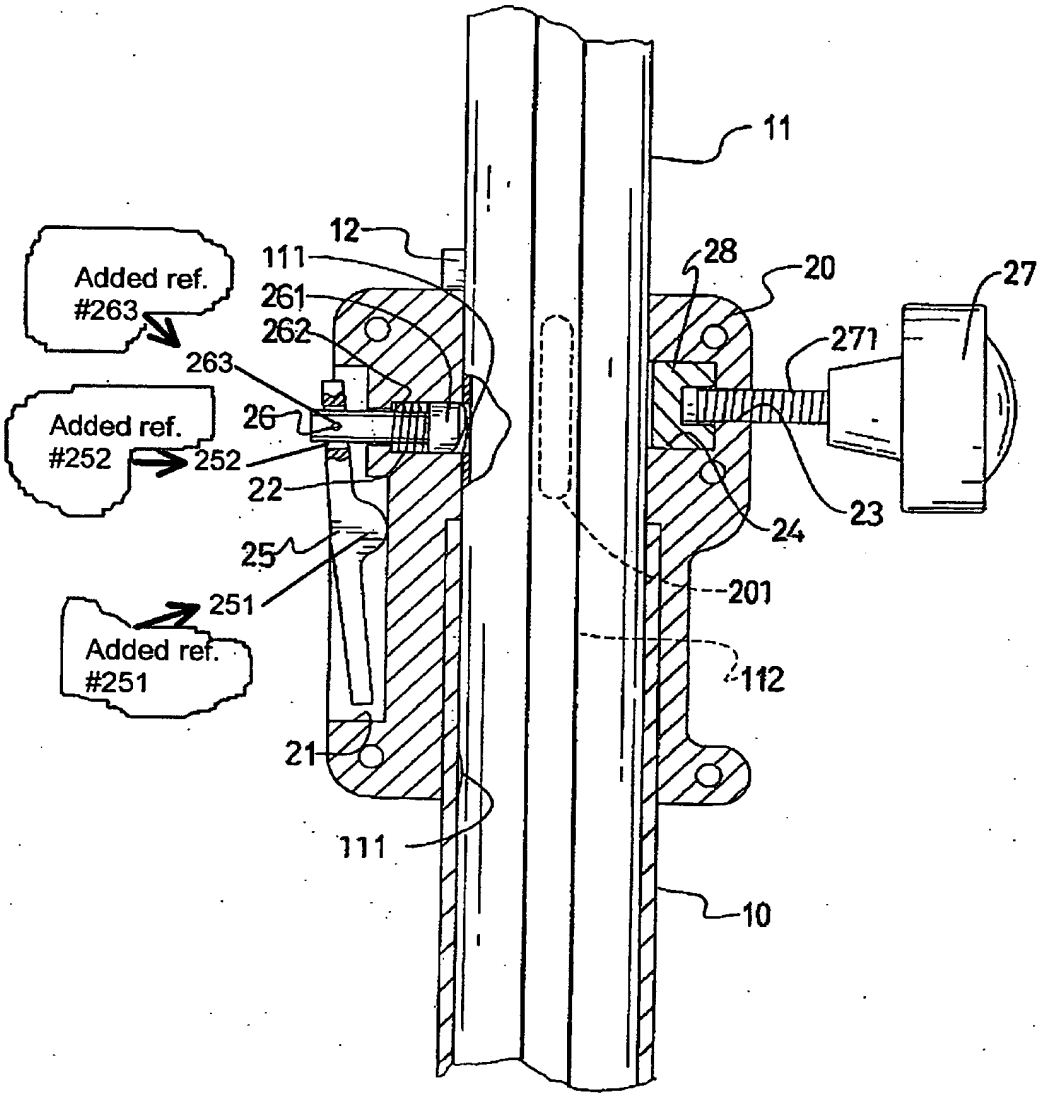

FIG. 3

REMARKS

Reconsideration is respectfully requested. Claims 1-19 were present in the application. Claims 8, 12 and 15 are amended. Claims 1-7, 9-11, 13 and 16-19 are canceled.

In response to the Office Action, the applicant cancels the first independent claim (claim 1) and the corresponding dependent claims (claims 2-7). Furthermore, the applicant amends the second independent claim (claim 8) and cancels or amends the corresponding dependent claims (claims 9-19). Claims 9-11, 13 and 16-19 are cancelled. Claim 8 is amended to include the features in the original claims 9-11 and the features of "a through hole in the lever" and "a pivot on the lever." Since the through hole and the pivot clearly derive from Figs. 2 and 3, no new matter is introduced into the specification. Claim 12 is amended to depend on claim 8. Claims 15 is amended to depend respectively on claim 12. Furthermore, the applicant also amends the specification by including descriptions of the through hole in the lever and the pivot on the lever that clearly derive from original Figs. 2 and 3. Consequently, no new matter is introduced into the specification. Furthermore, the applicant also amends Figs. 2 and 3 by adding reference numbers 251, 252 and 263) to respectively point out the pivot, the through hole and the pivot pin corresponding to those shown in the amended specification and claims.

Several arguments exist to overcome the Examiner's objections to the lever, the first and second spaces, the first and second holes and the spring.

1. To the lever: The Examiner states that the Webber patent disclosed a lever (48) pivotally connected to the enclosure as in claim 9 of the referenced application. In the Webber patent, the lever (48) has two triangular plates (56) being two pivots, and the outer tube (32) has two triangular plates (44) being two pivot brackets and connected pivotally to the pivots (56) of the lever (48). Furthermore, the end section (49) with the pinning button (52) being the head of the lever (48) is free. The plates (56) on the lever (48) and pivot brackets (44) provide the connection between the lever (48) and the outer tube (32) and pivoting function of the lever, The lever falls off without the plates (56) and pivots brackets (44).

However, the connection between the lever (25) and the enclosure (20) in the referenced application has the lever (25) and the positioning rod (26) instead of the plates (56) on the lever (48) of the Webber patent. The positioning rod (26) has the head restrictedly moving in the first hole (22) in the enclosure (20) to prevent the positioning rod (26) from falling out of the enclosure (20). The lever (25) has a proximal end and a through hole (252) defined through the lever (25) close to the proximal end. The first distal end of the positioning rod (26) is mounted pivotally in through hole (252) by extending the pivot pin (263)

through the lever (25) and the positioning rod (26) so that the lever (25) is connected indirectly to the enclosure (20) through the positioning rod (26). Furthermore, the pivot (251) on the lever (25) abuts the bottom surface of the first space (21) and does not provide a connection of the lever (25) and the enclosure (20).

In short, the lever (25) of the referenced application is clearly different from the lever (48) in the Webber patent due to the pivots with different functions and the connections between the levers and enclosure or outer tubes supplied with different elements. The relation of the lever (25), positioning rod (26) and enclosure (20) of the referenced application is not shown in all cited references by the Examiner, whether considered alone or combined. Therefore, the lever (25) of the referenced application has novelty and inventiveness when compared with all cited references, whether considered alone or combined.

2. To the first and second spaces: The Examiner stated that the Webber patent has a first space (39) and a second space (92) defined in the enclosure and the Hodge patent also has a second space for receiving the abutting block (36).

However, no enclosure is in the Webber patent. The first and the second spaces (21, 24) of the referenced application are both defined in the enclosure (20) instead of the outer tube (10). The relation of the first and second spaces (21, 24) and the enclosure (20) of the referenced application is not shown in any

references cited by the Examiner, whether considered alone or combined. Furthermore, the first space (21) contains and prevents the lever (25) from being damaged by external impact. The first space (39) of the Webber patent does not have the lever (48), and the relation of the lever (25) and the first space (21) of the referenced application is not shown in any references cited by the Examiner, whether considered alone or combined.

Therefore, the first and the second spaces (21, 24) of the referenced application have novelty and inventiveness when compared to all the references cited, whether considered alone or combined.

3. To the first and second holes: The Examiner stated that the Webber patent has a first hole (39) defined in the outer tube (32) and the Hodge patent has a second hole (56) defined in the enclosure (40).

However, the first and second holes (22, 23) of the referenced application are both defined in the enclosure (20). The relation between the first and second holes (22, 23) and the enclosure (20) of the referenced application is not shown in any references cited by Examiner, whether considered alone or combined.

Therefore, the first and second holes (22, 23) have novelty and inventiveness when compared with all the references cited, whether considered alone or combined.

4. To the spring: The Examiner stated that the Thyu patent discloses a spring (64) mounted around the positioning rod (65).

However, the spring (262) of the referenced application bas two ends pressing respectively against the head on the positioning rod (26) and an inner surface of the first hole (22) in the enclosure (20) securely mounted on the outer tube (10). The spring (262) is squeezed only when the positioning rod (26) is moved outwardly by pivoting the lever (25). The spring (64) of the Thyu patent has two ends pressing respectively against the head (652) on the positioning lever (65) and an inner surface of. the through hole (633) in the screw member (63) and can be squeezed by the rotary knob (61). The screw member (63) is screwed in the outer tube (2), is able to move in a transverse direction relative to the outer tube (2) to squeeze or release the spring (64) and is different from the unmovable enclosure (20) of the referenced application. In conclusion, the spring (262) is only effected by the lever (25), yet the spring (64) of the Thyu patent is effected by both the screw member (63) and the rotary knob (61).

Therefore, the relation between the spring (262), lever (25) and enclosure (20) of the referenced application is distinguished from the relation of the spring (64) and the screw member (63), is not shown in any references cited by Examiner, whether considered alone or combined, and has novelty and inventiveness.

Consequently, amended claim 8 of the referenced application for the reasons in the above arguments is novel and inventive and is patentable when compared all the references cited.

Because amended claim 8 is patentable, claims 12, 14 and 15 depending on claim 8 are also patentable.

After the foregoing arguments, the applicant asserts that the referenced application is patentable in view of the cited prior art, and an early granting of the application is respectfully requested.

The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

Respectfully submitted,

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